

REMARKS

Claims 39-44, as amended, remain herein. Claims 39 and 41 are amended, and new claims 43 and 44 are added. Page 6, lines 25-29, of applicants' specification provide the basis for new claims 43 and 44.

1. Page 6, line 8, of applicants' specification was amended to correct an informality. Page 6, line 8, of the specification refers to the recording area 919. Fig. 4B of applicants' drawings shows the recording area 919 in the outer area of the disk 801. Fig. 3A of applicants' drawings shows the first recording area, not the second recording area, occupying the outer area of the disk. Thus, recording area 919 is in the first recording area as noted in the amendment to the specification.

2. Replacement Fig. 3A corrects a drafting error appearing in Fig. 3A of applicants' original filed drawings. In original Fig. 3A, the second recording area was shown outside of the first recording area. However, the second recording area is located at a radially inward portion of the disk within the first recording area. This is apparent from Figs. 3A-3G and Fig. 5A of applicants' drawings, particularly the long vertical arrow. For example, in Figs 3A-3G and 5A, reproduced signals of bar codes (auxiliary data) and main data are overlapped. Unless the first recording area and the second recording area are overlapped, the main data and auxiliary data could not have appeared in an overlapped manner as shown in Figs. 3B-3G and 5A.

3. Claims 39-42 were rejected under 35 U.S.C. § 103 (a) over Sekiguchi '241 and Fujiwara '011.

Sekiguchi and Fujiwara fail to teach or suggest applicants' claimed "auxiliary information presence indicator indicating whether said auxiliary information is present in the second recording area," as recited in applicants' claims 39 and 41. Claims 39 and 41 further recite that the claimed auxiliary information presence indicator is in the control data area within the first recording area. In other words, applicants' claimed auxiliary information presence indicator is located in an area different from the area in which the actual auxiliary information is located. This is advantageous, since the presence of the auxiliary information can be determined without actually reading any auxiliary information.

In contrast, Sekiguchi describes only an auxiliary signal amplitude detector 19 which detects auxiliary information itself from a reproduced signal of the auxiliary information. Thus, the auxiliary signal amplitude detector 19 of Sekiguchi reproduces the auxiliary information itself to detect the reproduced signal of the auxiliary information. There is no separate indicator within the information recording area of Sekiguchi indicating the presence of any auxiliary data. Fujiwara likewise fails to teach or suggest applicants' claimed auxiliary information presence indicator within a data recording region of a disk.

Thus, there is no disclosure or teaching in either Sekiguchi '241 or Fujiwara '011 of all elements of applicants' claimed invention. Nor is there any disclosure or teaching in either Sekiguchi '241 or Fujiwara '011 that would have suggested applicants' claimed invention to one of ordinary skill in the art. Still further, there is no disclosure or teaching in either of these references, and no other basis in this record, that would have suggested the desirability of combining or modifying any portions thereof effectively to anticipate or render obvious

applicants' claimed invention. Accordingly, reconsideration and withdrawal of these grounds of rejection, and allowance of all claims 39-44 are respectfully requested. New claims 43 and 44 are patentable by virtue of their dependency from claim 39.

For all the foregoing reasons, this application is now believed to be fully in condition for allowance. The PTO is authorized to charge/credit any overpayments and/or underpayments of fees to Deposit Account No. 19-4293. Should the Examiner feel that additional changes would place this application in even better form for issue, the Examiner is invited to telephone applicant's undersigned attorneys at the number listed below.

Respectfully submitted,

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